

**REPORT SUMMARY**

19 December 2017

<b>REFERENCE NO - 16/508512/full</b>			
<b>APPLICATION PROPOSAL –</b> Change of use of land for stationing of mobile home (retrospective).			
<b>ADDRESS -</b> Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent, ME17 3EZ			
<b>RECOMMENDATION – REFUSE PLANNING PERMISSION</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development with the harm it would cause to the countryside, and the visual impact on the rural character and appearance of the area. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan (2017)			
<b>REASON FOR REFERRAL TO COMMITTEE -</b> Chart Sutton Parish Council has requested that the application be referred to planning committee.			
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH COUNCIL</b> Chart Sutton	<b>APPLICANT</b> Mr Ronald Webster <b>AGENT –</b> N/A	
<b>DECISION DUE DATE</b> 01.05.2017.	<b>PUBLICITY EXPIRY DATE</b> 31.03.2017	<b>OFFICER SITE VISIT DATE</b> 21.06.2017	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/504872/FULL	Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective).  <i>Reasons for refusal</i> <i>“In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development due to the urbanising influence it would have upon rural character resulting in an unsustainable pattern of development in a manner contrary to national and local planning policies, factors which outweigh the need to provide gypsy and traveller sites. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan 2017”.</i>	Refused	05.12.2017
11/0675 Land west of Horseshoe Paddock	Retrospective application for the change of use of land from agriculture to residential for a Gypsy family with the stationing of 3 mobile homes, 2 touring caravans and the erection of 2 timber shed	Granted	

MA/03/1654 Horseshoe Paddock – Southern part of the above application site	Allowed at Appeal (Personal Permission) - Stationing of mobile home and erection of 5 stables, change of use from grazing to a mixed use of keeping horses and residential.	Granted (Allowed appeal)	
MA/00/0254 Horseshoe Paddock – Northern part of current application site	Allowed at Appeal (Personal Permission) - Change of use from agriculture to residential and stationing of one mobile home and one touring caravan.	Granted (Allowed appeal)	

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 Horseshoes Paddock is a site located at the junction of Charthill Road, a twin track highway to the east and Lucks Lane a minor single track lane to the north. The site has been developed as a Gypsy and Traveller site. A separate approved site with three pitches lies in close proximity to the east.
- 1.02 The site is located in a relatively flat area of countryside and is bounded by tall mature hedgerows along the highway boundary. Flat open arable farmland lies beyond the southern and western site boundaries. Access to the site is from a gap in the boundary hedge and a gate to Lucks Lane.
- 1.03 The site is located in the countryside approximately 1.5 kilometres south east of Chart Sutton. There are no relevant Local Plan or National landscape designations. The site is not within a flood risk area.

### **2.0 PROPOSAL**

- 2.01 Change of use of land for stationing of mobile home (retrospective). The submitted block plan shows the footprint of a mobile home in the south west corner of the site measuring 6 metres by 10.4 metres

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Maidstone Local Plan (2017) Adopted (25.10.2017): SS1, SP16, SP17, and DM15.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** No representations received from local residents.

## **5.0 CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

### **Chart Sutton Parish Council**

- 5.01 Raises objections and recommends refusal on the basis of an over-concentration of local sites that are damaging the character and appearance of the open countryside. This proposal is therefore contrary to ENV28. The site is an unsustainable location, with poor transport links to local services such as schools, health facilities and shops.

### **Mid Kent Environmental Health**

- 5.02 No objections subject to a condition requiring details of foul sewage treatment, potable water provision and waste disposal and an informative about Mid Kent Environmental Code of Development Practice.

### **Kent Highway Authority**

- 5.02 No objections. Due to its small size the proposal will not impact upon highway safety. In a consultation response to an adjoining application the highway authority confirmed that no incidents have been recorded at the junction of Lucks Lane with Chart Hill Road for at least the last nine years. The highway authority has confirmed that they have no objection to this proposal.

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:

- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status
- Visual impact
- Sustainability
- Residential amenity
- Flooding and drainage
- Highways impact

### **Need for gypsy sites**

- 6.02 Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

- Oct 2011 – March 2016 - 105 pitches
- April 2016 – March 2021- 25 pitches
- April 2021 – March 2026 - 27 pitches
- April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

- 6.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

**Supply of gypsy sites**

- 6.05 Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide.
- 6.06 Since the base date of the GTAA (1st October 2011) a net total of 128 permanent pitches have been provided. This means that a further 59 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of current provision can be broken down as follows:
- 107 Permanent non-personal mobiles
  - 21 Permanent personal mobiles
  - 3 Temporary non-personal mobiles
  - 38 Temporary personal mobiles
- 6.07 The 'Planning Policy for Traveller Sites' (PPTS) states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption. The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can realistically be achieved over the timeframe of the Local Plan.
- 6.08 The 'Planning Policy for Traveller Sites' (PPTS) states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption. The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can realistically be achieved over the timeframe of the Local Plan.
- 6.09 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of gypsy and traveller sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

**Gypsy status**

- 6.10 Annex 1 of the PPTS defines gypsies and travellers as:-

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.”*

- 6.11 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants’, health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.12 A permanent non personal permission is sought in this instance, i.e. any Gypsy Traveller could occupy the site providing they fall within the definition of a Gypsy Traveller.
- 6.13 Whilst it has been requested no information has been forthcoming in relation to the gypsy status of the applicant or his family. As a result the Local Planning Authority has not been able to assess whether the applicant satisfies the test for Gypsy Traveller status.

#### **Visual Impact**

- 6.14 The proposal relates to extension of a previously approved (at appeal) Gypsy and Traveller site. At the time of the original appeals the Inspector found that the site appeared incongruous. The site lies in open countryside but is generally well screened from public views during 6 months of the year but less so during the winter months. The site is visible to views from surrounding private farmland.
- 6.15 Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside. Although the PPTS does not refer to landscape impact this is addressed in the NPPF and Policy SP17 of the adopted Local Plan which states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for Gypsy and Traveller accommodation will be permitted.
- 6.16 Policy DM15 states that, permission will be granted if a site would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative visual impact and is well screened by existing landscape features. Previous permissions on this site have been granted only on a personal basis due to the personal circumstances of the applicants.
- 6.17 The site lies within open countryside where development is strictly controlled. The proposal would result in harm to the countryside, and visual impact on the rural character and appearance of the area. In the absence of any information on the personal circumstances of the applicant or gypsy and traveller status there is no justification for this visual harm and it is not possible to make the necessary assessment between this harm and the need for this type of accommodation.

#### **Sustainability**

- 6.18 The site is considered to be reasonably located in respect of access to local services and facilities. Although the village of Chart Sutton, 1.5km to the north has little in the way of essential services, other than a limited bus service, there is a large supermarket and other facilities on the fringes of Maidstone a further 2.5km to the

north. Some reliance on private motor vehicles to access local services and facilities is common of Gypsy and Traveller sites in rural locations.

**Residential Amenity and cumulative impact**

- 6.19 The site is some distance from the nearest permanent dwellinghouses and is sufficiently removed from other Gypsy and Traveller development so as not to give rise to localised amenity issues. The site is relatively spacious and the two proposed pitches do not appear to intrude unacceptably upon each other. There would be no conflict with Policy DM1(iv) of the Maidstone Local Plan in respect of residential amenity.
- 6.20 Were permission to be approved it would result in 4 authorised pitches along this part of Luck Lane. Although there are other authorised Gypsy and Traveller sites in the area, these are not so numerous as would threaten social cohesion or otherwise result in an unacceptable accumulation of such sites.

**Flooding/Drainage**

- 6.21 The site lies within Flood Zone 1 where flooding is not an issue. A condition would however ensure that permeable surfacing accords with SUDS best practice.

**Highways**

- 6.22 The proposal does not raise any highway issues and the highway authority has not raised objection.

**7.0 CONCLUSION**

- 7.01 The applicant has not demonstrated that the two additional mobile homes would be occupied by members of the Gypsy and Traveller community or that personal circumstances pertain to warrant permission for G&T development in the countryside. As such the proposal is contrary to the NPPF, the PPTS and to Local Plan Policies SP17 and DM15.

**8.0 RECOMMENDATION**

**REFUSE PLANNING PERMISSION for the following reasons:**

In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development with the harm it would cause to the countryside, and the visual impact on the rural character and appearance of the area. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan (2017).

Case Officer: Tony Ryan

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.